



**United States District Court  
District of Nevada (Las Vegas)**

**CRIMINAL DOCKET FOR CASE #: 2:09-cr-00078-JCM-RJJ All Defendants**

Case title: USA v. Davis et al

Date Filed: 03/03/2009

Assigned to: Judge James C. Mahan  
Referred to: Magistrate Judge Robert J.  
Johnston

**Defendant (1)**

**Samuel Davis**

*true name*

Samuel Lynn Davis

represented by **Todd M Leventhal**  
Flangas & Leventhal  
600 South Third Street  
Las Vegas, NV 89101  
702-384-1990  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Rebecca A Rosenstein**  
Federal Public Defender  
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*TERMINATED: 03/16/2009*  
*Designation: FPD*

**Pending Counts**

18:1656(h) - Conspiracy to Commit  
MONEY LAUNDERING  
(1)  
18:1656(a)(3)(A) and 2 - MONEY  
LAUNDERING ; and Aiding and  
Abetting  
(2-31)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

Assigned to: Judge James C. Mahan  
Referred to: Magistrate Judge Robert J. Johnston

**Defendant (2)**

**Shawn Rice**  
*true name*  
Shawn Talbot Rice

represented by **Michael P. Kimbrell**  
Michael P. Kimbrell, LTD  
523 S. 8th Street  
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Email: mpkimbrell@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Pending Counts**

18:1656(h) - Conspiracy to Commit  
MONEY LAUNDERING  
(1)  
18:1656(a)(3)(A) and 2 - MONEY  
LAUNDERING ; and Aiding and  
Abetting  
(19-31)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

**Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

**USA**

represented by **Eric Johnson**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/03/2009		Case assigned to Judge Howard D. McKibben and Magistrate Judge Robert J. Johnston. (AXM) (Entered: 03/03/2009)
03/03/2009	<u>1</u>	INDICTMENT as to Samuel Davis (1) count(s) 1, 2-31, Shawn Rice (2) count(s) 1, 19-31. (AXM) (Entered: 03/03/2009)
03/03/2009	<u>2</u>	AO 257 to <u>1</u> Indictment as to Samuel Davis. (AXM) (Entered: 03/03/2009)
03/03/2009	<u>3</u>	AO 257 to <u>1</u> Indictment as to Shawn Rice. (AXM) (Entered: 03/03/2009)
03/03/2009	<u>4</u>	MINUTES OF PROCEEDINGS - Grand Jury Return as to Samuel Davis, Shawn Rice held on 3/3/2009 before Magistrate Judge Lawrence R. Leavitt. Crtrm Administrator: <i>Erin Smith</i> ; AUSA: <i>Eric Johnson</i> ; Court Reporter/FTR #: <i>Joyce Dennehy</i> ; Time of Hearing: <i>1:16pm</i> ; Warrant to issue. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/03/2009)
03/05/2009	<u>7</u>	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Peggy A. Leen, as to Samuel Davis, Shawn Rice on 3/5/2009. By Deputy Clerk: Jeff Miller. During proceedings on 03/05/09 in USA v. Lindsey, 2:09-cr-0077-JCM-PAL, government counsel moved to have that case unsealed, as well as this matter. The Court GRANTS the request. <b>IT IS ORDERED:</b> This matter is now UNSEALED for all further proceedings. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JAM) (Entered: 03/05/2009)
03/06/2009	<u>8</u>	Warrant Returned Executed on 3/5/09 in case as to Samuel Davis. (AXM) (Entered: 03/09/2009)

03/06/2009	<u>9</u>	Warrant Returned Executed on 3/5/09 in case as to Shawn Rice. (AXM) (Entered: 03/09/2009)
03/06/2009	<u>10</u>	MINUTES OF PROCEEDINGS - Initial Appearance/Arraignment & Plea as to Samuel Davis, Shawn Rice held on 3/6/2009 before Magistrate Judge Lawrence R. Leavitt. Crtrm Administrator: <i>Alana Kamaka</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Rebecca Rosenstein, AFPD (for Defendant Davis); and Michael Kimbrell, Appointed (for Defendant Rice)</i> ; PTS: <i>Erin Oliver and Sandra Bustos</i> ; Court Reporter/FTR #: <i>3:51:58-4:31:26</i> ; Time of Hearing: <i>3:00 p.m.</i> ; Courtroom: <i>3C</i> ; Both defendants are present, in custody. Defendant Davis' TRUE NAME: Samuel Lynn Davis. Defendant Rice's TRUE NAME: Shawn Talbot Rice. Defendants are advised of their rights and charges against them. Financial Affidavits are filed. The Federal Public Defender is appointed, and Defendant Davis is allowed to retain counsel, if he chooses; and CJA panel attorney is appointed as defense counsel for Defendant Rice until such time that a determination can be made to represent himself. Attorney Rebecca A Rosenstein for Samuel Lynn Davis and Michael P. Kimbrell for Shawn Talbot Rice added. Defendant Davis requested a ratification of commencement of this action pursuant to Rule 17 of the Federal Rules of Civil Procedures and objected to further proceedings until that is brought forth. Court noted the objection. Both Defendants are arraigned on Indictment. Both Defendants waived reading of the Indictment. Defendant Davis stated he would accept the charges for value. The Court enters NOT GUILTY plea to count(s) 1 through 31 on behalf of Defendant Samuel Lynn Davis. Not Guilty plea is entered to Counts 1, 19-31, by Defendant Shawn Talbot Rice. This case is governed by Government Disclosure Statement. Order regarding Pretrial Procedure is entered and copies will be served on counsel in open court. The U.S. Probation Office is directed to prepare a report detailing the defendant's criminal history, if any. Government moves for detention as to both defendants. Both Ms. Rosenstein and Mr. Kimbrell argues. ORDER BOTH Defendants are released on PR Bond with conditions. Motions due by 4/5/2009. Replies due by 4/19/2009. Responses due by 4/16/2009. FURTHER ORDER Calendar Call set for 4/21/2009 09:30 AM by telephonic conference before Judge Howard D. McKibben. FURTHER ORDER Jury Trial set for 5/14/2009 08:30 AM LV Courtroom to be determined before Judge Howard D. McKibben. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - AKK) (Entered: 03/09/2009)
03/06/2009	<u>11</u>	ORDER REGARDING PRETRIAL PROCEDURE as to Samuel Davis, Shawn Rice. Responses to motions to be filed and served within eleven (11) calendar days from the date of service of the motion; and reply brief to be served within three (3) calendar days from the date of service of the response. Motions due by 4/5/2009. Signed by Magistrate Judge Lawrence R. Leavitt. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/09/2009)
03/06/2009	<u>14</u>	ORDER APPOINTING COUNSEL as to Samuel Davis. FPD appointed as counsel for Defendant, subpoenas issued upon request with exception to out of state subpoenas which will require court approval. Signed by Magistrate Judge Lawrence R. Leavitt. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/09/2009)

03/06/2009	<u>15</u>	ORDER APPOINTING COUNSEL as to Shawn Rice. CJA Michael Kimbrell appointed as counsel for Defendant, subpoenas issued upon request with exception to out of state subpoenas which will require court approval. Signed by Magistrate Judge Lawrence R. Leavitt. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/09/2009)
03/10/2009	<u>18</u>	ORDER OF RECUSAL. This action is referred to Chief Judge Roger L. Hunt for reassignment. Signed by Judge Howard D. McKibben on 3/1/09. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/10/2009)
03/12/2009	<u>19</u>	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Roger L. Hunt, as to Samuel Davis, Shawn Rice on 3/12/2009. By Deputy Clerk: Leslie McAnallen. IT IS ORDERED that this case is reassigned to Judge James C. Mahan for all further proceedings as District Judge. Judge Howard D. McKibben no longer assigned to case. All further documents must bear the correct case number 2:09-cr-00078-JCM-RJJ. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - LMC) (Entered: 03/12/2009)
03/16/2009	<u>20</u>	ORDER as to Samuel Davis. ORDERED that Todd Leventhal, Esq. is APPOINTED as counsel for Samuel Davis in place of the Federal Public Defender for all further proceedings. The Federal Public Defender shall forward the file to Mr. Leventhal forthwith. Signed by Magistrate Judge Robert J. Johnston. (Copies have been distributed pursuant to the NEF - AXM) (Entered: 03/16/2009)
03/17/2009	<u>22</u>	STRICKEN PER <u>32</u> ORDER - MOTION for copy of local rules by Shawn Rice. Responses due by 3/31/2009. (AXM) Modified on 3/18/2009 (AXM). (Entered: 03/17/2009)
03/17/2009	<u>25</u>	STRICKEN PER <u>32</u> ORDER - NOTICE of waiver of speedy trial by Shawn Rice. (AXM) Modified on 3/18/2009 (AXM). (Entered: 03/17/2009)
03/18/2009	<u>32</u>	ORDER STRIKING FILED DOCUMENTS <u>21</u> - <u>31</u> . Clerk to strike documents and return motions to defendant with a copy of this order. Signed by Magistrate Judge Robert J. Johnston. (Copies have been distributed pursuant to the NEF - AXM)sent (Entered: 03/18/2009)
03/20/2009	<u>33</u>	STRICKEN pursuant to Order <u>35</u> [MOTION for Discovery by Shawn Rice. Responses due by 4/3/2009. (AXM)] (Entered: 03/20/2009)
03/20/2009	<u>34</u>	NOTICE OF HEARING as to Samuel Davis, Shawn Rice: Calendar Call set for 5/13/2009 01:30 PM in LV Courtroom 6A before Judge James C. Mahan. Jury Trial set for 5/18/2009 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. <b>(no image attached)</b> (DXO) (Entered: 03/20/2009)
04/02/2009	<u>35</u>	ORDER STRIKING Document <u>33</u> MOTION for Discovery and returning document to Defendant Shawn Rice. Signed by Magistrate Judge Robert J. Johnston on 4/2/09. (Copies have been distributed pursuant to the NEF - ECS) (Entered: 04/03/2009)
04/07/2009	<u>36</u>	<b>SEALED</b> DOCUMENT by Shawn Rice. Submitted as a "NOTICE to DTC". (Attachments: # <u>1</u> Part Two)(AXM) Modified to unseal on 4/22/2009 (SRK). (Entered: 04/08/2009)

04/08/2009	<u>37</u>	<b>SEALED</b> EXHIBITS to <u>36</u> Unredacted Document, filed by Shawn Rice. (Attachments: # <u>1</u> Part Four)(AXM) Modified to unseal on 4/22/2009 (SRK). (Entered: 04/08/2009)
04/15/2009	<u>39</u>	REPLY to non-response to Provide the Ratification of Commencement, filed by Samuel Davis. (AXM) (Entered: 04/15/2009)
04/21/2009	<u>41</u>	ORDER: Defendant Rice's <u>36</u> Request for Dismissal is Denied. The Clerk to Unseal Documents <u>36</u> and <u>37</u> as to Defendant Shawn Rice. Signed by Judge James C. Mahan on 04/21/09. (Copies have been distributed pursuant to the NEF - SRK) (Entered: 04/22/2009)
04/27/2009	<u>42</u>	First MOTION Continue Calendar Call and Trial Dates by USA as to Samuel Davis, Shawn Rice. Responses due by 5/11/2009. (Johnson, Eric) (Entered: 04/27/2009)
04/28/2009	<u>43</u>	ORDER Denying <u>38</u> Motion to Dismiss Indictment, as to Samuel Davis (1). Signed by Judge James C. Mahan on 04/28/09. (Copies have been distributed pursuant to the NEF - AXM) . (Entered: 04/28/2009)
04/30/2009	<u>44</u>	ORDER REGARDING TRIAL as to Samuel Davis, Shawn Rice Jury Trial set for 5/18/2009 09:00 AM in LV Courtroom 6A before Judge James C. Mahan. Calendar Call set for 5/13/2009 01:30 PM in LV Courtroom 6A before Judge James C. Mahan. Exhibit List due by 5/13/2009. Proposed Voir Dire due by 5/13/2009. Proposed Jury Instructions due by 5/13/2009. Trial Briefs due by 5/13/2009. Signed by Judge James C. Mahan on 4/30/09. (Copies have been distributed pursuant to the NEF - VHM) (Entered: 04/30/2009)
04/30/2009	<u>45</u>	NON-OPPOSITION to <u>42</u> MOTION Continue Calendar Call and Trial Dates ; filed by Shawn Rice. (Kimbrell, Michael) (Entered: 04/30/2009)
05/07/2009	<u>46</u>	<b>STRICKEN per 56 Minutes of Proceedings. (MJZ)</b> RESPONSE to <u>42</u> Motion to Continue Calendar Call and Trial Date; filed by Samuel Davis. Replies due by 5/13/2009. (Leventhal, Todd) <b>Added Docket Entry Relationship on 5/11/2009 (SRK).</b> (Entered: 05/07/2009)
05/07/2009	<u>47</u>	Government's Disclosure Statement filed by USA as to Samuel Davis, Shawn Rice.. (Johnson, Eric) (Entered: 05/07/2009)
05/07/2009	<u>48</u>	ORDER TO CONTINUE - Ends of Justice - Granting <u>42</u> MOTION to Continue Trial as to Samuel Davis and Shawn Rice. Time excluded from 5/18/09 until 10/5/09.( Jury Trial set for <del>5/18/2009</del> 10/05/2009 09:00 AM in LV Courtroom 6A before Judge James C. Mahan., Calendar Call set for 9/30/2009 01:30 PM in LV Courtroom 6A before Judge James C. Mahan.) Signed by Judge James C. Mahan on 5/7/09. (Copies have been distributed pursuant to the NEF - ASB) <b>Modified trial date on 5/11/2009 (MAJ).</b> (Entered: 05/07/2009)
05/07/2009	<u>49</u>	<b>STRICKEN per 56 Minutes of Proceedings. (MJZ)</b> RESPONSE to <u>42</u> Motion to Continue Trial filed by I am: Sam. (ASB) . (Entered: 05/07/2009)
05/14/2009	<u>50</u>	<b>STRICKEN per 53 Order (SD)</b> MOTION ( <i>Notice of Affidavit of Admissions in Commerce by Negative Averment</i> ) by Shawn Rice. Responses due by 5/28/2009. (Entered: 05/15/2009)



05/20/2009	<u>51</u>	<b>STRICKEN per 56 Minutes of Proceedings. (MJZ)</b> <del>OBJECTION to <u>48</u> Order to Continue filed by Samuel Davis (SD)</del> (Entered: 05/20/2009)
06/02/2009	<u>52</u>	ORDER status conference set for 6/22/2009, at 02:30 PM in LV Courtroom 3D before Magistrate Judge Robert J. Johnston. Defendants Shawn Rice and Samuel Davis must be present in court with their attorneys for this hearing. Defendants are advised that failure to appear in Court for this hearing may result in a warrant being issued for their arrest. Signed by Magistrate Judge Robert J. Johnston on 6/2/2009. (Copies have been distributed pursuant to the NEF - MXS) (Entered: 06/02/2009)
06/02/2009	<u>53</u>	ORDER STRIKING FILED DOCUMENT. Docket No. <u>50</u> Notice of Affidavit of Admissions in Commerce by Negative Averment is stricken per Local Rule. Signed by Magistrate Judge Robert J. Johnston on 06/02/2009. (Copies have been distributed pursuant to the NEF - SD) (Entered: 06/03/2009)
06/11/2009	<u>54</u>	<b>STRICKEN per 56 Minutes of Proceedings. (MJZ)</b> NOTICE Entitled " <del>Contract and Notice of Case Termination</del> " by Defendant Shawn Rice. (ASB) (Entered: 06/11/2009)
06/22/2009	<u>55</u>	NOTICE <i>Legal Notice and Demand</i> by Samuel Davis (SD) (Entered: 06/22/2009)
06/22/2009	<u>56</u>	MINUTES OF PROCEEDINGS - Hearing re status conference as to Samuel Davis, Shawn Rice held on 6/22/2009 before Magistrate Judge Robert J. Johnston. Crtrm Administrator: <i>J. Ries</i> ; AUSA: <i>Eric Johnson</i> ; Def Counsel: <i>Todd M. Leventhal and Michael P. Kimbrell</i> ; Court Reporter/FTR #: <i>2:41 - 3:13</i> ; Time of Hearing: <i>2:30 p.m.</i> ; Courtroom: <i>3D</i> ; Defendant Mr. Samuel Davis is present. Defendant Mr. Shawn Rice is not present. The Court hears representation from Mr. Kimbrell as to the whereabouts of his client, Mr. Rice. The Court advises Mr. Kimbrell that his client filed a document entitled notice - contract & notice of case termination <u>54</u> and the said document is ORDERED STRICKEN from the file. The Court also notes that Mr. Samuel Davis is also filing documents without the assistance of his attorney and Mr. Samuel Davis is advised that he too, is to file documents through his attorney. Mr. Samuel Davis requests that he be allowed to represent himself and have Mr. Leventhal as standby counsel. The Court canvasses Mr. Samuel Davis regarding self representation. The canvassing of Mr. Samuel Davis is continued to 7/7/09 at 3:00 p.m. and Mr. Samuel Davis is to be present for the canvassing. The Court makes inquiry of counsel regarding the need for pretrial motions and counsel advise the Court that a date has not been set. ORDERED that pretrial motions shall be filed by 7/24/09 with normal response and reply deadlines. The government moves the Court to revoke pretrial release of Mr. Shawn Rice and issue a bench warrant. The Court hears representation from Mr. Kimbrell regarding the request for a bench warrant by the government. ORDERED that a bench warrant be issued for Mr. Shawn Rice. The Court advises counsel that Mr. Shawn Rice presented at the intake window of the Clerk's office, prior to this hearing, a document entitled legal notice and demand and supporting affidavit, and the said document is not filed. This document together with stricken document <u>54</u> are admitted as exhibits for this hearing. FURTHER ORDERED that documents <u>46</u> , <u>49</u> , and <u>51</u> are inappropriately filed by Mr. Samuel Davis

		and are stricken from the file. Defendant, Mr. Samuel Davis is continued on present terms of release. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF - JAR) (Entered: 06/23/2009)
06/22/2009	<u>59</u>	EXHIBIT LIST on behalf of USA as to Samuel Davis, Shawn Rice (SD) (Entered: 06/23/2009)
06/23/2009	<u>57</u>	CERTIFICATE of Service for Legal Notice and Demand and Supporting Affidavit, and Other supporting documents filed on June 22, 2009 by Shawn Rice. (SD) Modified to correct filing party name on 6/23/2009 (SD). (Entered: 06/23/2009)

I hereby attest and certify on 7-8-09  
that the foregoing document is a full, true  
and correct copy of the original on file in my  
legal custody.

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA

By [Signature] Deputy Clerk

